

MARYLAND DEPARTMENT OF JUVENILE SERVICES



SECRETARY'S DIRECTIVE

OPI: Office of the Secretary - Fair Practices/ Equal Employment
NUMBER: MGMT-1-04
EFFECTIVE DATE: May 11, 2004
SUBJECT: Accessibility for Youth with Hearing Impairments

(Page 1 of 9)

1. **PURPOSE AND SCOPE.** The Secretary of the Department of Juvenile Services (DJS) establishes this Accessibility for Youth with Hearing Impairments Policy Directive to set forth a standard process that requires DJS programs and services to provide appropriate auxiliary aids and services for youth with hearing impairments in DJS facilities.
2. **POLICY.** It is Departmental policy that DJS programs and services ensure that appropriate auxiliary aids and services are made available to youth with hearing impairments who are detained in a facility or who are committed to the custody of DJS, where such aids and services are necessary to ensure effective communication, so that they may participate in or benefit from DJS programs and services on an equal basis with other individuals.
3. **PROGRAM OBJECTIVES.** The expected results of this Policy Directive are that DJS:
 - a. Establishes a screening and assessment process to identify youth with hearing impairments who are admitted to a DJS facility or committed to the custody of DJS;
 - b. Provides appropriate auxiliary aids and services for youth with hearing impairments who are admitted to a DJS facility or committed to the custody of DJS, free of charge;
 - c. Maintains a procedure that allows each youth with a hearing impairment who is admitted to a DJS facility or committed to the custody of DJS to request auxiliary aids and services, giving primary consideration to the choice expressed by the youth;
 - d. Monitors to ensure that appropriate auxiliary aids and services are made available to youth with hearing impairments who are admitted to a DJS facility or committed to the custody of DJS, so that they may participate or benefit from programs and services equal to that of other individuals; and
 - e. Institutes a recordkeeping system to monitor the provision of appropriate auxiliary aids and services for youth with hearing impairments.
4. **AUTHORITY.**
 - a. Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§

- 12101 et. seq., and implementing federal regulations.
- b. Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and implementing federal regulations.

5. DEFINITIONS.

- a. *ADA Coordinator* means the staff person at each DJS facility designated to address ADA and Section 504 compliance matters. The ADA Coordinator reports directly to the Facility Administrator at each DJS facility.
- b. *Admitting Personnel* means the staff person assigned to perform intake and assessment functions at a DJS facility. *Admitting Personnel* includes an Intake Counselor at a DJS facility.
- c. *ASSIST* means the official DJS automated case management and information system.
- d. *Auxiliary aids and services* mean effective methods of making aurally delivered materials available to youth with hearing impairments. *Auxiliary aids and services* include: qualified interpreters, notetakers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TTYs or TDDs) and videotext displays.
- e. *Community Case Manager* means the staff person assigned to perform overall case management responsibilities for youth residing in the community who are under DJS jurisdiction.
- f. *DJS Facility* means any facility that is owned or operated by DJS.
- g. *Effective Communication* means communication with persons with disabilities that is as effective as communication with others. *Effective Communication* is achieved by furnishing appropriate auxiliary aids and services necessary to afford qualified youth with disabilities an equal opportunity to participate in or benefit from the services, programs, or activities of DJS.
- h. *Facility Administrator* means the staff person delegated on-site responsibility for a DJS facility.
- i. *Facility Case Manager* means the staff person with responsibility for ensuring youth receive all appropriate evaluations and services necessary to meet a youth's needs while at the DJS facility.
- j. *Grievance* means a youth's formal expression of dissatisfaction with any area of activity under DJS authority due to a circumstance or action considered to be unjust. Examples of a *grievance* include, but are not limited to, an alleged act of staff or youth abuse, an act of neglect, inappropriate discipline, or failure to provide a required program or service.
- k. *Hearing Impairment* means a decrease or loss of one's ability to perceive sound.
- l. *Intake Officer* means the staff person assigned to the court by DJS to provide intake services set forth in the Juvenile Causes Subtitle of the Annotated Code of Maryland.
- m. *Programs and services* means all programs and services provided by DJS, or by a vendor contracting with DJS, to youth detained in a DJS facility or committed to the custody of DJS including: discipline, rehabilitation, medical treatment, mental health services, addictions treatment, education, recreation, group living, vocational training, religion, mentoring, and aftercare.

- n. *Qualified Interpreter* means an interpreter who is able to interpret effectively, accurately, and impartially, both receptively and expressively, given a youth's language skills, using any specialized terminology necessary for effective communication in a DJS facility or as part of a DJS program or service, communications between a youth who is hearing impaired and hearing individuals.
- o. *Secretary* means the Secretary of the Department of Juvenile Services.
- p. *Staff* means all employees and independent contractors, including, without limitation, nurses, physicians, social workers, therapists, admitting personnel, security staff, probation officers or case management staff, youth supervisors, education staff, dietary staff, recreation staff, maintenance staff and any other administrative or management personnel, who have or are likely to have direct contact with youth receiving services at a DJS facility.
- q. *Telephone device* means an instrument used with or attached to a telephone to ensure effective communication. A *telephone device* includes text telephones (TTYs or TDDs), volume control telephones, and hearing-aid compatible telephones.

6. **Action Required.**

a. **General Procedures.**

- (1) Each DJS facility shall have an on-site ADA Coordinator.
- (2) As part of the admission process to a DJS facility, youth shall be assessed no later than twenty-four (24) hours after admission to determine whether or not they have a hearing impairment and, if so, what auxiliary aids or services are necessary for the youth to benefit from programs and services. In determining what types of auxiliary aids and services are necessary, DJS shall give primary consideration to any requests expressed by the youth.
- (3) A youth with a hearing impairment may at any time while in a DJS facility request auxiliary aids or services, or request a change in current auxiliary aids or services, by requesting from any staff person and completing, a ***Request for Auxiliary Aids and Services Form (Appendix 1)***.
- (4) A youth with a hearing impairment may file a grievance at any time if the youth feels that a request for auxiliary aids and services has been denied.
- (5) For the period of time that a youth with a hearing impairment is housed in a DJS facility, DJS shall:
 - (i) Provide visual alarms in common areas and detainee rooms consistent with federal regulations;
 - (ii) Ensure that the following procedures are adhered to regarding televisions:
 - (a) Make closed caption decoders available or ensure that the facility uses televisions with the built-in capability to

- display captions;
- (b) Ensure that any recordings or programs it produces for broadcast to youth are captioned; and
- (c) Post clearly stated directions for accessibility to closed caption capability adjacent to each television set;
- (iii) Adhere to the following procedures regarding telephones:
 - (a) Ensure that youth have access to telephones equipped with the appropriate telephone devices and that telephone calls not take place until the appropriate telephone devices are in place;
 - (b) Post signs identifying the location of telephone devices;
 - (c) Permit access to telephones on the same terms as youth who do not have hearing impairments except that to the extent that calls are subject to time limitations, limitations will be extended for residents using a TTY device;
 - (d) Allocate additional time to walk to and from the location of a telephone device if a telephone device is not available in the same location as telephones used by youth who do not have hearing impairments; and
 - (e) Ensure that the privacy of telephone calls by residents using telephone devices is equal to that of other youths' telephone calls;
- (iv) Ensure that at least one (1) qualified sign language interpreter or one (1) oral interpreter, whichever is appropriate, is retained on call within fifty (50) miles of a facility housing a youth with a hearing impairment during those times when a qualified interpreter is not already on the premises;
- (v) Offer qualified sign language or oral interpreters for youth with a hearing impairment as necessary for effective communication during the following:
 - (a) Intake and assessment at a DJS facility;
 - (b) Orientation to the facility or program;
 - (c) Somatic, Mental Health, Substance Abuse, and Psychological evaluations and treatment;
 - (d) Educational classes;
 - (e) All face-to-face meetings to discuss treatment plans, progress reviews, probation or aftercare plans;
 - (f) Individual, group and family therapy sessions and all other group meetings;
 - (g) Exit interviews;
 - (h) School or other assemblies;
 - (i) Group living time; and
 - (j) All aftercare group meetings;
- (vi) Summon, as soon as possible if not already on the premises, the on-call interpreter when the following has occurred:
 - (a) Force has been used;
 - (b) The youth has been physically restrained;
 - (c) The youth has been placed in seclusion; or

- (d) The youth indicates that an interpreter is necessary to communicate an urgent matter to staff.
- (6) The staff member transferring a youth to a non DJS facility, such as a court facility or medical facility for an outside medical appointment, shall notify the appropriate official at the subsequent location as to the resident's need for appropriate auxiliary aids and services by placing a telephone call in advance.
- (7) Before releasing a youth with a hearing impairment from DJS custody, the staff person discharging the youth shall notify the appropriate official at the subsequent location of the youth's need for auxiliary aids and services for effective communication.

b. Responsibilities.

(1) The Director of Fair Practices/Americans with Disabilities shall:

- (i) Coordinate the appointment of ADA Coordinators at each DJS facility;
- (ii) Monitor the provision of services to youth with hearing impairments at DJS facilities under the ADA, Section 504 and other federal and State Laws;
- (iii) Assist ADA Coordinators in locating and providing auxiliary aids and services when youth with hearing impairments are identified;
- (iv) Provide recommendations to the Office of the Secretary whenever:
 - (a) A youth files a grievance regarding an accommodation made or concerning the denial of equal opportunity or service participation;
 - (b) A youth's participation in a program or service would cause a direct threat to the health or safety of the youth or others; and
 - (c) A particular auxiliary aid or service requested might constitute an undue financial burden; and
- (v) Provide written monthly reports to the Office of the Secretary regarding efforts to comply with the ADA and Section 504.

(2) Each Community Services Intake Officer or Case Manager shall:

- (i) Request that the local law enforcement agency and all other government agencies referring youth with hearing impairments to a DJS facility for detention or commitment include a completed **Request for Auxiliary Aids and Services Form** with the referral paperwork;
- (ii) Complete a **Request for Auxiliary Aids and Services Form** for youth with hearing impairments if the form has not already been completed; and
- (iii) Enter on ASSIST any information obtained from a **Request for**

Auxiliary Aids and Services Form.

(3) The Admitting Personnel at each DJS facility shall:

- (i) Ensure that each youth admitted to a DJS facility is assessed no later than twenty-four (24) hours after admission to determine if the youth has a hearing impairment and, if so, what auxiliary aids or services are necessary;
- (ii) Ensure that a **Request for Auxiliary Aids and Services Form** is completed as part of the intake process for each youth identified as having a hearing impairment;
- (iii) Ensure that a qualified interpreter is present to complete the intake and assessment process once a youth is identified as having a hearing impairment;
- (iv) Explain to a youth with a hearing impairment the auxiliary aids and services that are available;
- (v) Ensure that a **Request for Auxiliary Aids and Services Form** is included in any initial mailing to the parents or legal guardians of a youth admitted to a DJS facility;
- (vi) Enter on ASSIST any information not already entered; and
- (vii) Notify the ADA Coordinator and the Facility Administrator at the facility when a youth is identified as having a hearing impairment.

(4) The ADA Coordinator at each DJS Facility shall:

- (i) Coordinate the provision of appropriate auxiliary aids and services upon notification that a youth has a hearing impairment;
- (ii) Ensure that the **Request for Auxiliary Aids and Services Form** has been completed;
- (iii) Initiate or complete a **Compliance Form (Appendix 2)** to ensure that a youth with a hearing impairment is receiving appropriate aids and services;
- (iv) Track services and submit monthly reports to the Director of Fair Practices/Americans with Disabilities on any youth served and efforts to comply with the ADA and Section 504 including any **Request for Auxiliary Aids and Services Forms** and **Compliance Forms**;
- (v) Coordinate training sessions with the Office of Professional Development and Training;
- (vi) Inform staff:
 - (a) That if a youth with a hearing impairment has not requested appropriate auxiliary aids or services but staff have reason to believe that the youth would benefit from appropriate auxiliary aids and services for effective communication, the staff member shall:
 - (1) Specifically inform the youth that appropriate auxiliary aids and services are available; and
 - (2) Discuss the nature of such auxiliary aids and

- services with the youth;
- (b) That they may not require family members, friends, other youth, or any other individuals who are not qualified interpreters to interpret for a youth with a hearing impairment unless the youth makes a specific request that is documented in the youth's central case record;
- (vii) Notify a receiving facility of the appropriate auxiliary aids and services needed if a youth will be transferred to another DJS facility;
- (viii) Notify any school, training program, residential setting, and any other public or private organization where the youth has indicated he or she intends to spend a substantial amount of time, of the youth's need for appropriate auxiliary aids and services for effective communication before a youth with a hearing impairment is discharged from DJS custody;
- (ix) File a complaint with the Maryland State Department of Education before the youth's release if appropriate auxiliary aids and services will not be in place by the time the youth is scheduled to attend the public school or state-financed educational program; and
- (x) Serve as a resource to DJS staff at their respective facilities on the ADA and Section 504 compliance matters.

(5) The Facility Administrator at each DJS facility shall:

- (i) Assist, if necessary, the ADA Coordinator after a youth is identified as having a hearing impairment, to coordinate the appropriate auxiliary aids and services;
- (ii) Ensure compliance with the terms of any applicable court order, this Policy Directive, the ADA and Section 504 at their respective facilities; and
- (iii) Prohibit the use of sanctions to influence a youth's choice of an auxiliary aid or service.

(6) Each Facility Case Manager at a DJS facility shall:

- (i) Ensure that appropriate auxiliary aids and services are in place and, if not, seek the assistance of the ADA Coordinator;
- (ii) Notify the ADA Coordinator and Facility Administrator, if they are not already aware, when a youth with a hearing impairment is in the facility;
- (iii) Assist the ADA Coordinator in ensuring appropriate auxiliary aids and services are available to youth as required while in the facility; and
- (iv) Assist the ADA Coordinator in ensuring that subsequent placements are notified and prepared to provide appropriate auxiliary aids and services upon the youth's discharge from the DJS facility.

(7) A Community Service Case Manager shall:

- (i) Notify in advance, when possible, the ADA Coordinator or Facility Administrator at a DJS facility where a youth will be detained or committed when:
 - (a) A youth has a hearing impairment;
 - (b) An appropriate auxiliary aid or service is needed for a youth identified as having a hearing impairment; or
 - (c) Made aware of a youth with a hearing impairment being denied access to a particular program or service;
- (ii) Monitor implementation of an appropriate auxiliary aid or service identified as needed for a youth who is hearing impaired;
- (iii) Work with the Facility Case Manager to develop a plan for discharge from DJS custody;
- (iv) Verify that a public school or state-financed educational program has appropriate aids and services in place before a youth who is hearing impaired is released from DJS custody;
- (v) Work with the ADA Coordinator to file a complaint with the Maryland State Department of Education if appropriate auxiliary aids and services will not be in place before a youth is released and scheduled to attend a public school or state-financed educational program before a youth is released;
- (vi) Communicate with service organizations that serve the hearing impaired community to locate community service placements for youth with hearing impairments who wish to complete court-ordered community service with such organizations.

(8) The Director of the Office of Professional Development and Training shall:

- (i) Coordinate training for staff who provide programs and services to juveniles detained in a DJS facility or committed to the custody of DJS on obligations under the ADA and Section 504;
- (ii) Ensure that all staff who have contact with youth detained in a DJS facility or committed to the custody of DJS be provided ADA and Section 504 training;
- (iii) Ensure that each staff person signs a form indicating completion of training; and
- (iv) Maintain a database of DJS employees who attend training and the dates of the training.

e. Record Keeping.

- (1)** DJS staff who identify a youth with a hearing impairment shall ensure that the following information is noted on ASSIST:
 - (i) Information obtained through the **Request for Auxiliary Aids and Services Form**; and

- (ii) Each auxiliary aid and service required for a youth who has a hearing impairment.
- (2) Each youth's DJS facility central case record and community file shall contain:
 - (i) A print out of the ASSIST information regarding any hearing impairment;
 - (ii) A copy of any **Request for Auxiliary Aids and Services Form**; and
 - (ii) A copy of any **Compliance Form**.
- (3) Each DJS facility shall maintain appropriate records in a youth's central case record to document specific requests for non-qualified interpreters (e.g., family members), requests for any changes to auxiliary aids or services, and refusals of auxiliary aids or services.

7. **EFFECTIVE DATE.**

This directive is effective on 5/11/04 and shall remain in effect until rescinded by the Secretary.

8. **DIRECTIVES/POLICIES AFFECTED.**

- a. Directives/Policies Rescinded - **(None)**
- b. Directives/Policies Referenced - **(None)**

9. **FAILURE TO COMPLY.**

Failure to obey a Secretary's Directive and/or policy issued with this document shall be grounds for disciplinary action up to and including termination of employment.

Approved: "/s/ signature on original copy"
Kenneth C. Montague, Jr.
Secretary

Appendices –2

- 1. Request for Auxiliary Aids and Services
- 2. Compliance Form

REQUEST FOR AUXILIARY AIDS AND SERVICES

Name: _____ DJS #: _____
Facility: _____ Date: _____

Federal law requires the Department of Juvenile Services and its vendors to furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities. Such auxiliary aids and services may include: qualified sign language or oral interpreters, notetakers, computer-assisted real time transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, videotext displays, and TTYs.

_____ I do not request auxiliary aids or services.

_____ I request auxiliary aids and services as follows:

Juvenile signature: _____

Parent signature (if appropriate): _____

DJS signature (if appropriate): _____

Auxiliary Aid Determination

The auxiliary aids and services requested have been:

_____ Approved as requested.

_____ Approved as modified below:

_____ Denied. Reasons for denial specified below:

Signature of ADA Coordinator/Other DJS Official: _____

Date: _____

COMPLIANCE FORM

Facility: _____ **Date:** _____
Reporting Period: _____ to _____

I. Resident Tracking Form (copy for each resident who is deaf or hard of hearing)

Resident Name: _____
Resident #: _____
Date of First Custody: _____
Languages Used: _____
Responsible DJS staff: 1. _____
 2. _____
 3. _____
 4. _____

Movement To Other Facilities

Departure Date	To Which Facility?	Return Date

Release Date: _____

Please complete this chart accurately, stating the date of any request for auxiliary aids and services, the name of the person making such a request, the nature of the request, the facility's determination regarding whether to provide the requested auxiliary aid or service and the reason for the determination, and the date on which such auxiliary aid or service was provided, if applicable.

[illegible]

III. Technology

A. *Telephones and Related Equipment*

	Number of Items Required	Date Items Installed or Provided
TTYs		
Volume control telephones		
Hearing aid compatible telephones		
Storage and availability of telephone equipment	Status: Where are Accessible Phones stored? Are all Accessible Phones in good working order? Answer for each Item.	

B. *Visual Alarms*

	Number of Items Required	Date Items Installed
Common-use areas		
Detainee rooms		

C. *Captioning and Decoders*

	Number of Items Required	Date Items Installed
Closed captioning decoders		
Televisions with captioning capability		
Availability of Television Equipment	Status: Are all Decoders and Televisions in good working order? Answer for each Item.	

I certify that all information contained herein is truthful and accurate.

ADA COORDINATOR:

DATE:



**MARYLAND DEPARTMENT OF JUVENILE SERVICES
EMPLOYEE STATEMENT OF RECEIPT
(SECRETARY'S DIRECTIVE)**

OPI: Office of the Secretary – Fair Practices/Equal Employment
NUMBER: MGMT-1-04
EFFECTIVE DATE: May 11, 2004
SUBJECT: Accessibility for Youth with Hearing Impairments

I have received one (1) copy (electronic or paper) of the Secretary's Directive as titled above.

SIGNATURE

PRINTED NAME

DATE

***(THE ORIGINAL COPY MUST BE RETURNED TO YOUR IMMEDIATE SUPERVISOR FOR FILING
WITH PERSONNEL, AS APPROPRIATE.)***